

Hon. Franklin D. Burgess

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

TEXAS WHOLESALE, INC., a Texas
corporation

Plaintiff,

v.

DARYL E. BELL and KATRINA BELL
a/k/a KATRINA SCHNELLE, husband and
wife, and the marital community composed
thereof; et al.,

Defendants.

No. C05-5322FDB

FINAL JUDGMENT AS TO
DEFENDANTS WASHINGTON,
PURSUANT TO FED. R. CIV. P. 54(b)

CLERK'S ACTION REQUIRED

RULE 54(b) FINAL JUDGMENT AS TO DEFENDANTS WASHINGTON

Before the Court is the Fed. R. Civ. P. 54(b) motion of defendants Washington for entry of final judgment.

Plaintiff brought several claims against numerous parties in this action. As to defendants Washington, plaintiff has stipulated to the dismissal of all claims with prejudice, and the Court has entered an order accordingly. As to some other defendants, however, plaintiff has filed short notices dismissing its claims against them without prejudice, and no order has been entered as to these filings. Other defendants have either never been served, or have failed to appear. No judgments have yet been entered in this action.

1 The Court determines that there is no just reason to delay entry of a final judgment
2 as to plaintiff's claims against the Washingtons, pursuant to Rule 54(b) and consistent
3 with the Court's order signed September 29, 2005 and filed September 30, 2005. The
4 interests of justice and sound judicial administration support the Court's directing the
5 entry of such final judgment.

6 The Court finds that the Washingtons should not have to incur any additional legal
7 expenses associated with this action. There is no reason they should have to continue to
8 expend money on counsel to receive and review the filings in this matter, and to generally
9 monitor the action for future developments that could implicate the Washingtons' interests
10 pending entry of final judgments as to all of the other parties. The Court's written
11 findings in this regard also include the stipulation filed by plaintiff and the Washingtons,
12 and the Court's order signed on September 29, 2005 and filed on September 30, 2005,
13 which are hereby incorporated by reference.

14 **Accordingly, the Clerk is directed to enter final judgment as follows: All of**
15 **plaintiff's claims against defendants Washington are DISMISSED WITH**
16 **PREJUDICE, with each party to bear its own attorneys' fees, costs and expenses.**

17 **IT IS SO ORDERED, ADJUDGED AND DECREED.**

18 DATED this 28th day of October 2005.

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20 FRANKLIN D. BURGESS
21 UNITED STATES DISTRICT JUDGE
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1 **Presented by:**

2 /s/ Leslie J. Hagin
3 WSBA 29186

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